

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TOMMY BROWN, on his own behalf and
on behalf of other similarly situated
persons,

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC., *et al.*,

Defendants.

No. 2:20-cv-00680-DGE

DECLARATION OF KRISTINE E.
KRUGER IN SUPPORT OF U.S. BANK
NATIONAL ASSOCIATION'S MOTION
TO DISMISS PLAINTIFF'S COMPLAINT

NOTED ON MOTION CALENDAR:

Friday, April 1, 2022

ORAL ARGUMENT REQUESTED

I, Kristine E. Kruger, declare the following:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel for Defendant U.S. Bank National Association. I submit this declaration in support of U.S. Bank's Motion to Dismiss Plaintiff's Complaint. This declaration is made based on my personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Special Servicing Agreement ("SSA"), dated as of March 1, 2009, entered into by and among First Marblehead Education Resources, Inc., as Special Servicer, U.S. Bank National Association, as Back-Up Special Servicer, and each of the National Collegiate Student Loan Trusts.

3. Attached hereto as **Exhibit B** is a true and correct copy of Exhibit II to the Special Servicing Agreement, which is the Default Prevention and Collection Services Agreement

1 (“TSI Agreement”) dated as of March 1, 2009 and entered into by and between First
2 Marblehead Education Resources, Inc., as Special Servicer, and NCO Financial Systems, Inc.
3 (n/k/a TSI), as Special Subservicer, with one redaction for confidentiality.
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5 *I declare under penalty of perjury that the foregoing is true and correct.*
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7 **EXECUTED** on this 1st day of March 2022.

8 /s/Kristine E. Kruger
9 Kristine E. Kruger
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